

REMARKS

Claims 1-35, 42 and 43 are pending in this application. Of the pending claims, claims 1-21 and 42-43 are rejected, and claims 23-35 are withdrawn.

By way of this paper, pending claims 1-21 and 42-43 have been amended. Support for this amendment to the claims can be found, for example, from page 15, line 21, to page 18, line 29, and from page 28, line 8, to page 29, line 17, in the specification.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the application in condition for allowance.

Claim Rejections - 35 USC 112

Claims 1-21 and 42-43 are rejected under 35 U.S.C. 112, first paragraph, owing to the prior amendment of independent claims 1 and 15 which changed the term "organic material" to the term "electroluminescent material". The claims have been amended to obviate the rejection, since the term "electroluminescent material" has now been changed to "electroluminescent organic material".

Claims 2-14 and 16-21 are rejected under 35 U.S.C. 112, second paragraph, in that the term "organic material" in these dependent claims had not been changed in the prior amendment to match the change in independent claims 1 and 15 from the term "organic material" to the term "electroluminescent material". The claims have been amended to obviate the rejection, since the term "organic material" has now been changed to "electroluminescent organic material".

Accordingly, the rejections under 35 U.S.C. 112, first and second paragraphs, can no longer stand.

Claim Rejections – 35 U.S.C. 103

Claims 1-9, 11, 13-21 and 42-43 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Jagannathan et al. ('327) reference in view of the Miyashita et al. ('050) reference. Claims 10 and 12 are rejected under 35 USC 103(a) as being unpatentable over Jagannathan '327 in view of Miyashita '050 as applied to claim 1, and further in view of Yamazaki et al. '834.

The Examiner's rejection does not establish the required prima facie case for obviousness at least for the following reasons.

As background, the Examiner has acknowledged in the rejection that the '327 reference:

does not teach or suggest that an electroluminescent organic material is deposited over a first addressing electrode, as previously claimed;

does not teach or suggest that a second addressing electrode is provided over the electroluminescent organic material, as previously claimed; and

does not teach or suggest that the electroluminescent organic material is contained under first and second conditions by maintaining the electroluminescent organic material under first and second process parameters to provide the electroluminescent organic material with first and second spectral peaks, as previously claimed.

1. The rejection cannot be sustained in the face of the amended claims.

The amended claims now recite that the electroluminescent organic material is contained under first and second temperature and/or pressure conditions by maintaining the electroluminescent organic material under first and second temperature and/or pressure process parameters, to provide the electroluminescent organic material with first and second spectral peaks. Thus, the Examiner can no longer reason as he has in the rejection that the first and second conditions as previously claimed are "broad terminology" which allows him to take Official Notice (citing the '050 reference as an example) that the use of a common host material with different dopants to produce different colors is known in the art, and therefore it would be obvious to have stored the same host material under first and second dopant conditions in order to provide the same host material with first and second spectral peaks. See the last paragraph bridging pages 4-5 in the rejection. The amended claims clearly exclude the use of a common host material with different dopants to produce different spectral peaks, since the amended claims are limited to different temperature and/or pressure conditions to produce different spectral peaks. Accordingly, the rejection cannot be sustained in the face of the amended claims.

2. The Examiner's interpretation of the Official Notice as exemplified by the '050 reference does not read on the "same" electroluminescent material as in the claimed invention.

The Examiner appears to opine in regard to the Official Notice as exemplified by the '050 reference (e.g. in the earlier final Office Action mailed 9/15/2005) that a host material with one dopant added to provide the host material with a first spectral peak, and the host material with another dopant added to provide the host material with a second spectral peak, may be interpreted as the same electroluminescent organic material regardless of the different dopant additions. This is contested since the different dopant additions actually produce different electroluminescent organic materials. The electroluminescent organic material cannot remain the same with the different dopant additions. Arguing otherwise appears to be sophistry.

3. The Examiner fails to mention the required motivation or suggestion that would have led one of ordinary skill in the art to combine the '357 reference and the Official Notice (as exemplified by the '050 reference) in order to arrive at the claimed invention.

The Examiner makes no mention in the rejection of the required motivation or suggestion that would have led one of ordinary skill in the art to combine the '357 reference and the Official Notice (as exemplified by the '050 reference) in order in order to arrive at the claimed invention. This is necessary in order to prevent a hindsight-based obviousness analysis. See *Ruiz et al. v. A.B. Chance Co.*, 234 F.3d 654, 2000 U.S. App. LEXIS 31116, 57 U.S..P.Q.2d (BNA) 1161 (Fed. Cir. 2000). The Examiner has acknowledged that the '327 reference does not teach or suggest that an electroluminescent organic material is deposited over a first addressing electrode, that a second addressing electrode is provided over the electroluminescent organic material, and that the electroluminescent organic material is contained under first and second conditions by maintaining the electroluminescent organic material under first and second process parameters to provide the electroluminescent organic material with first and second spectral peaks. Moreover, the '327 reference is not concerned with a method of producing a light emitting display as in the claimed invention. Instead, as recognized by the Examiner, the '327 reference simply teaches a method of depositing an electroluminescent material on a receiver 14. See FIG. 3D. From this limited teaching, however, the Examiner jumps to the Official Notice as exemplified by the '050 reference in order to arrive at the claimed invention. Where is the required motivation to do so? This is a point the Examiner has not addressed.

4. One of ordinary skill in the art would not be led to combine the '327 reference and the Official Notice (as exemplified by the '050 reference) in order to arrive at the claimed invention.

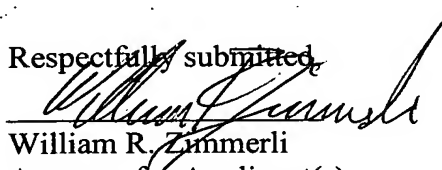
One of ordinary skill in the art would not be led to combine the '327 reference and the Official Notice (as exemplified by the '050 reference) in order to arrive at the claimed invention. The '327 reference is not concerned with a method of producing a light emitting display as in the claimed invention. Instead, it is concerned with etching technology as mentioned in col.1, lines 18-32, and in col. 2, lines 1-24, and it discloses a method of depositing an electroluminescent material onto a receiver 14 to create a high-resolution pattern on the receiver through the selective alteration of portions of the receiver. Also, at col. 4, lines 9-14, it is mentioned that the electroluminescent material can create the pattern on the receiver by coating or other processes. Given this aspect of the '327 reference, the Official Notice as exemplified by the '050 reference has no relevant relation to the '327 reference. The Examiner's combining of the '327 reference and the Official Notice, as exemplified by the '050 reference, in order to arrive at the claimed invention has all the earmarks of an impermissible hindsight-based obviousness analysis.

CONCLUSION

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned attorney in the event that a telephone interview will expedite prosecution of this application towards allowance or reduce the issues for appeal.

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.